



General Assembly

January Session, 2005

***Raised Bill No. 6934***

LCO No. 4537

\*04537\_\_\_\_\_HS\_\*

Referred to Committee on Human Services

Introduced by:  
(HS )

***AN ACT CONCERNING DISCLOSURE OF RECORDS BY THE  
DEPARTMENT OF CHILDREN AND FAMILIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-28 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) As used in this section:

4 (1) "Person" means (A) any individual named in a record,  
5 maintained by the department, who (i) is presently or at any prior time  
6 was a ward of or committed to the commissioner for any reason; (ii)  
7 otherwise received services, voluntarily or involuntarily, from the  
8 department; or (iii) is presently or was at any prior time the subject of  
9 an investigation by the department; (B) [the] a parent, whose parental  
10 rights have not been terminated, or current guardian of a person, as  
11 defined in subparagraph (A) of this subdivision, if such person is a  
12 minor; [or] (C) the authorized representative of a person, as defined in  
13 subparagraph (A) of this subdivision, if such person is deceased;

14 (2) "Attorney" means the licensed attorney authorized to assert the

15 confidentiality of or right of access to records of a person;

16 (3) "Authorized representative" means a parent, guardian, guardian  
17 ad litem, attorney, conservator or other individual authorized to assert  
18 the confidentiality of or right of access to records of a person;

19 (4) "Consent" means permission given in writing by a person, [his]  
20 such person's attorney or [his] authorized representative to disclose  
21 specified information, within a limited time period, regarding the  
22 person to specifically identified individuals or entities;

23 (5) "Records" means information created or obtained in connection  
24 with the department's child protection activities or other activities  
25 related to a child while in the care or custody of the department,  
26 including information in the registry of reports to be maintained by the  
27 commissioner pursuant to section 17a-101k; [, provided records which  
28 are not created by the department are not subject to disclosure, except  
29 as provided pursuant to subsection (f), (l) or (n) of this section;]

30 (6) "Disclose" means (A) to provide an oral summary of records  
31 maintained by the department to an individual, agency, corporation or  
32 organization or (B) to allow an individual, agency, corporation or  
33 organization to review or obtain copies of such records in whole, part  
34 or summary form;

35 (7) "Near fatality" means an act, as certified by a physician, that  
36 places a child in serious or critical condition.

37 (b) Notwithstanding the provisions of section 1-210, 1-211 or 1-213,  
38 records maintained by the department shall be confidential and [shall  
39 not be disclosed. Such records of any person] may only be disclosed, in  
40 whole or in part, to any individual, agency, corporation or  
41 organization with the consent of the person or as provided in this  
42 section. Any unauthorized disclosure shall be punishable by a fine of  
43 not more than one thousand dollars or imprisonment for not more  
44 than one year, or both.

45 [(c) When information concerning an incident of abuse or neglect  
46 has been made public or when the commissioner reasonably believes  
47 publication of such information is likely, the commissioner or his  
48 designee may disclose, with respect to an investigation of such abuse  
49 or neglect: (1) Whether the department has received a report in  
50 accordance with sections 17a-101a to 17a-101c, inclusive, or section  
51 17a-103, and (2) in general terms, any action taken by the department,  
52 provided names or other individually identifiable information of the  
53 minor victim or other family member shall not be disclosed,  
54 notwithstanding such individually identifiable information is  
55 otherwise available.

56 (d) The commissioner shall make available to the public, without  
57 the consent of the person, information in general terms or findings  
58 concerning an incident of abuse or neglect which resulted in a child  
59 fatality or near fatality of a child, provided disclosure of such  
60 information or findings does not jeopardize a pending investigation.]

61 (c) Notwithstanding any provision of the general statutes, records  
62 that (1) contain privileged communications, or (2) are confidential  
63 pursuant to any federal law or regulation shall not be disclosed except  
64 as authorized by law.

65 (d) Any information disclosed from a person's record shall not be  
66 disclosed further without the written consent of the person, except if  
67 disclosed pursuant to an order of a court of competent jurisdiction.

68 (e) The commissioner shall, upon written request, disclose the  
69 following information concerning agencies licensed by the Department  
70 of Children and Families, except foster care parents, relatives of the  
71 child who are certified to provide foster care or prospective adoptive  
72 families: (1) The name of the licensee; (2) the date the original license  
73 was issued; (3) the current status of the license; (4) whether an agency  
74 investigation or review is pending or has been completed; and (5) any  
75 licensing action taken by the department at any time during the period  
76 such license was issued and the reason for such action, provided

77 disclosure of such information will not jeopardize a pending  
78 investigation.

79 [(f) The commissioner or the commissioner's designee shall, upon  
80 request, promptly provide copies of records, without the consent of a  
81 person, to (1) a law enforcement agency, (2) the Chief State's Attorney  
82 or the Chief State's Attorney's designee or a state's attorney for the  
83 judicial district in which the child resides or in which the alleged abuse  
84 or neglect occurred or the state's attorney's designee, for purposes of  
85 investigating or prosecuting an allegation of child abuse or neglect, (3)  
86 the attorney appointed to represent a child in any court in litigation  
87 affecting the best interests of the child, (4) a guardian ad litem  
88 appointed to represent a child in any court in litigation affecting the  
89 best interests of the child, (5) the Department of Public Health, which  
90 licenses any person to care for children for the purposes of  
91 determining suitability of such person for licensure, (6) any state  
92 agency which licenses such person to educate or care for children  
93 pursuant to section 10-145b or 17a-101j, (7) the Governor, when  
94 requested in writing, in the course of the Governor's official functions  
95 or the Legislative Program Review and Investigations Committee, the  
96 committee of the General Assembly on judiciary and the committee of  
97 the General Assembly having cognizance of matters involving children  
98 when requested in the course of such committees' official functions in  
99 writing, and upon a majority vote of said committee, provided no  
100 names or other identifying information shall be disclosed unless it is  
101 essential to the legislative or gubernatorial purpose, (8) a local or  
102 regional board of education, provided the records are limited to  
103 educational records created or obtained by the state or Connecticut-  
104 Unified School District #2, established pursuant to section 17a-37, and  
105 (9) a party in a custody proceeding under section 17a-112, or section  
106 46b-129, in the Superior Court where such records concern a child who  
107 is the subject of the proceeding or the parent of such child. A  
108 disclosure under this section shall be made of any part of a record,  
109 whether or not created by the department, provided no confidential  
110 record of the Superior Court shall be disclosed other than the petition

111 and any affidavits filed therewith in the superior court for juvenile  
112 matters, except upon an order of a judge of the Superior Court for  
113 good cause shown. The commissioner shall also disclose the name of  
114 any individual who cooperates with an investigation of a report of  
115 child abuse or neglect to such law enforcement agency or state's  
116 attorney for purposes of investigating or prosecuting an allegation of  
117 child abuse or neglect. The commissioner or the commissioner's  
118 designee shall, upon request, promptly provide copies of records,  
119 without the consent of the person, to (A) the Department of Public  
120 Health for the purpose of determining the suitability of a person to  
121 care for children in a facility licensed under sections 19a-77 to 19a-80,  
122 inclusive, 19a-82 to 19a-87, inclusive, and 19a-87b, and (B) the  
123 Department of Social Services for determining the suitability of a  
124 person for any payment from the department for providing child care.

125 (g) When the commissioner or his designee determines it to be in a  
126 person's best interest, the commissioner or his designee may disclose  
127 records, whether or not created by the department and not otherwise  
128 privileged or confidential communications under state or federal law,  
129 without the consent of a person to:

130 (1) Multidisciplinary teams which are formed to assist the  
131 department in investigation, evaluation or treatment of child abuse  
132 and neglect cases or a multidisciplinary provider of professional  
133 treatment services under contract with the department for a child  
134 referred to the provider;

135 (2) Any agency in another state which is responsible for  
136 investigating or protecting against child abuse or neglect for the  
137 purpose of investigating a child abuse case;

138 (3) An individual, including a physician, authorized pursuant to  
139 section 17a-101f to place a child in protective custody if such  
140 individual has before him a child whom he reasonably suspects may  
141 be a victim of abuse or neglect and such individual requires the  
142 information in a record in order to determine whether to place the

143 child in protective custody;

144 (4) An individual or public or private agency responsible for a  
145 person's care or custody and authorized by the department to  
146 diagnose, care for, treat or supervise a child who is the subject of a  
147 record of child abuse or neglect or a public or private agency  
148 responsible for a person's education for a purpose related to the  
149 individual's or agency's responsibilities;

150 (5) The Attorney General or any assistant attorney general  
151 providing legal counsel for the department;

152 (6) Individuals or public or private agencies engaged in medical,  
153 psychological or psychiatric diagnosis or treatment of a person  
154 perpetrating the abuse or who is unwilling or unable to protect the  
155 child from abuse or neglect when the commissioner or his designee  
156 determines that the disclosure is needed to accomplish the objectives  
157 of diagnosis or treatment;

158 (7) A person who reports child abuse pursuant to sections 17a-101a  
159 to 17a-101c, inclusive, and section 17a-103, who made a report of abuse  
160 involving the subject child, provided the information disclosed is  
161 limited to (A) the status of the investigation and (B) in general terms,  
162 any action taken by the department;

163 (8) An individual conducting bona fide research, provided no  
164 information identifying the subjects of records shall be disclosed  
165 unless (A) such information is essential to the purpose of the research;  
166 (B) each person identified in a record or his authorized representative  
167 has authorized such disclosure in writing; and (C) the department has  
168 given written approval;

169 (9) The Auditors of Public Accounts or their representative,  
170 provided no information identifying the subjects of the records shall be  
171 disclosed unless such information is essential to an audit conducted  
172 pursuant to section 2-90;

173       (10) The Department of Social Services, provided the information  
174       disclosed is necessary to promote the health, safety and welfare of the  
175       child;

176       (11) A judge of the Superior Court for purposes of determining the  
177       appropriate disposition of a child convicted as delinquent or a child  
178       who is a member of a family with service needs; and

179       (12) The superintendents, or their designees, of state-operated  
180       facilities within the department.

181       (h) The commissioner or his designee may disclose the name,  
182       address and fees for services to a person, to individuals or agencies  
183       involved in the collection of fees for such services, except as provided  
184       in section 17b-225. In cases where a dispute arises over such fees or  
185       claims or where additional information is needed to substantiate the  
186       fee or claim, such disclosure of further information shall be limited to  
187       the following: (1) That the person was in fact committed to or  
188       otherwise served by the department; (2) dates and duration of service;  
189       and (3) a general description of the service, which shall include  
190       evidence that a service or treatment plan exists and has been carried  
191       out and evidence to substantiate the necessity for admission and  
192       length of stay in any institution or facility.

193       (i) Notwithstanding the provisions of subsections (f) and (l) of this  
194       section, the name of an individual reporting child abuse or neglect  
195       shall not be disclosed without his written consent except to (1) an  
196       employee of the department responsible for child protective services or  
197       the abuse registry; (2) a law enforcement officer; (3) an appropriate  
198       state's attorney; (4) an appropriate assistant attorney general; (5) a  
199       judge of the Superior Court and all necessary parties in a court  
200       proceeding pursuant to section 46b-129, or a criminal prosecution  
201       involving child abuse or neglect; or (6) a state child care licensing  
202       agency, executive director of any institution, school or facility or  
203       superintendent of schools pursuant to section 17a-101i.

204 (j) Notwithstanding the provisions of subsection (g) of this section,  
205 the name of any individual who cooperates with an investigation of a  
206 report of child abuse or neglect shall be kept confidential upon request  
207 or upon determination by the department that disclosure of such  
208 information may be detrimental to the safety or interests of the  
209 individual, except the name of any such individual shall be disclosed  
210 to the persons listed in subsection (i) of this section.

211 (k) Notwithstanding the confidentiality provisions of this section,  
212 the commissioner, upon request of an employee, shall disclose such  
213 records to such employee or his authorized representative which  
214 would be applicable and necessary for the purposes of an employee  
215 disciplinary hearing or appeal from a decision after such hearing.

216 (l) Information disclosed from a person's record shall not be  
217 disclosed further without the written consent of the person, except if  
218 disclosed to a party or his counsel pursuant to an order of a court in  
219 which a criminal prosecution or an abuse, neglect, commitment or  
220 termination proceeding against the party is pending. A state's attorney  
221 shall disclose to the defendant or his counsel in a criminal prosecution,  
222 without the necessity of a court order, exculpatory information and  
223 material contained in such record and may disclose, without a court  
224 order, information and material contained in such record which could  
225 be the subject of a disclosure order. All written records disclosed to  
226 another individual or agency shall bear a stamp requiring  
227 confidentiality in accordance with the provisions of this section. Such  
228 material shall not be disclosed to anyone without written consent of  
229 the person or as provided by this section. A copy of the consent form  
230 specifying to whom and for what specific use the record is disclosed or  
231 a statement setting forth any other statutory authorization for  
232 disclosure and the limitations imposed thereon shall accompany such  
233 record. In cases where the disclosure is made orally, the individual  
234 disclosing the information shall inform the recipient that such  
235 information is governed by the provisions of this section.



236 (m) In addition to the right of access provided in section 1-210, any  
237 person, regardless of age, his authorized representative or attorney  
238 shall have the right of access to any records made, maintained or kept  
239 on file by the department, whether or not such records are required by  
240 any law or by any rule or regulation, when those records pertain to or  
241 contain information or materials concerning the person seeking access  
242 thereto, including but not limited to records concerning investigations,  
243 reports, or medical, psychological or psychiatric examinations of the  
244 person seeking access thereto, provided that (1) information  
245 identifying an individual who reported abuse or neglect of a person,  
246 including any tape recording of an oral report pursuant to section 17a-  
247 103, shall not be released unless, upon application to the Superior  
248 Court by such person and served on the Commissioner of Children  
249 and Families, a judge determines, after in camera inspection of  
250 relevant records and a hearing, that there is reasonable cause to believe  
251 the reporter knowingly made a false report or that other interests of  
252 justice require such release; and (2) if the commissioner determines  
253 that it would be contrary to the best interests of the person or his  
254 authorized representative or attorney to review the records, he may  
255 refuse access by issuing to such person or representative or attorney a  
256 written statement setting forth the reasons for such refusal, and advise  
257 the person, his authorized representative or attorney of the right to  
258 seek judicial relief. When any person, attorney or authorized  
259 representative, having obtained access to any record, believes there are  
260 factually inaccurate entries or materials contained therein, he shall  
261 have the unqualified right to add a statement to the record setting  
262 forth what he believes to be an accurate statement of those facts, and  
263 said statement shall become a permanent part of said record.

264 (n) (1) Any person, attorney or authorized representative aggrieved  
265 by a violation of subsection (b), (f), (g), (h), (i), (j) or (l) of this section or  
266 of subsection (m) of this section, except subdivision (2) of said  
267 subsection (m), may seek judicial relief in the same manner as  
268 provided in section 52-146j; (2) any person, attorney or authorized  
269 representative denied access to records by the commissioner under

270 subdivision (2) of subsection (m) of this section may petition the  
271 superior court for the venue district provided in section 46b-142 in  
272 which the person resides for an order requiring the commissioner to  
273 permit access to those records, and the court after hearing, and an in  
274 camera review of the records in question, shall issue such an order  
275 unless it determines that to permit such access would be contrary to  
276 the best interests of the person or authorized representative.

277 (o) The commissioner shall promulgate regulations pursuant to  
278 chapter 54, within one year of October 1, 1996, to establish procedures  
279 for access to and disclosure of records consistent with the provisions of  
280 this section.]

281 (f) The name of any individual who reports suspected abuse or  
282 neglect of a child or youth or cooperates with an investigation of child  
283 abuse or neglect shall be kept confidential upon request or upon  
284 determination by the department that disclosure of such information  
285 may be detrimental to the safety or interests of the individual, except  
286 the name of any such individual shall be disclosed to (1) an employee  
287 of the department for reasons reasonably related to the business of the  
288 department, (2) a law enforcement officer for purposes of investigating  
289 abuse or neglect of a child or youth, (3) a state's attorney for purposes  
290 of investigating or prosecuting abuse or neglect of a child or youth, (4)  
291 an assistant attorney general or other legal counsel representing the  
292 department, (5) a judge of the Superior Court and all necessary parties  
293 in a court proceeding pursuant to section 17a-112 or 46b-129, or a  
294 criminal prosecution involving child abuse or neglect, (6) a state child  
295 care licensing agency, or (7) the executive director of any institution,  
296 school or facility or superintendent of schools pursuant to section 17a-  
297 101i.

298 (g) The department, subject to subsection (c) of this section, shall  
299 disclose records, without the consent of the person who is subject of  
300 the record, to:

301 (1) A person who is named in the record or such person's

302 authorized representative, provided (A) such person shall only have  
303 access to information about such person or such person's biological or  
304 adoptive minor children and provided such person's parental rights to  
305 said children have not been terminated; and (B) that information  
306 identifying an individual who reported abuse or neglect of a person,  
307 including any tape recording of an oral report pursuant to section 17a-  
308 103, shall not be disclosed unless, upon application to the Superior  
309 Court by such person and served on the Commissioner of Children  
310 and Families, a judge determines after an in camera inspection of  
311 relevant records and a hearing, that there is reasonable cause to believe  
312 the reporter knowingly made a false report or that other interests of  
313 justice require such disclosure;

314 (2) Any employee of the department for any purpose reasonably  
315 related to the business of the department;

316 (3) A guardian ad litem or attorney appointed to represent a child or  
317 youth in any court in litigation affecting the best interests of the child  
318 or youth;

319 (4) An employee or former employee of the department or such  
320 employee or former employee's authorized representative for purposes  
321 of participating in litigation in any court or in any administrative or  
322 disciplinary hearing or other proceeding or appeal from decision after  
323 such hearing, provided such disclosure shall be limited to those  
324 records that are applicable and necessary for the purpose of such  
325 hearing or appeal as determined by the department;

326 (5) The Attorney General, any assistant attorney general or any  
327 other legal counsel retained to represent the department during the  
328 course of a legal proceeding involving the department or an individual  
329 employee of the department;

330 (6) The Child Advocate;

331 (7) The Chief State's Attorney or a designee for purposes of

332 investigating or prosecuting an allegation of child abuse or neglect;

333 (8) Any state or federal law enforcement officer for purposes of  
334 investigating an allegation of child abuse or neglect;

335 (9) Multidisciplinary teams pursuant to the provisions of section  
336 17a-106a;

337 (10) Any provider of professional services for a child or youth or  
338 parent referred to the provider, provided disclosure is limited to such  
339 information necessary to provide services to the child or youth or  
340 parent;

341 (11) Any individual or agency under contract with the department  
342 for the purpose of identifying and assessing potential foster or  
343 prospective adoptive homes for a child or youth who is the subject of  
344 the record, provided no information that identifies a biological parent  
345 of a child or youth may be further disclosed without the permission of  
346 such biological parent;

347 (12) Any foster or prospective adoptive parent, if the records pertain  
348 to a child or youth currently placed with the foster or prospective  
349 adoptive parent, or a child or youth being considered for placement  
350 with the foster or prospective adoptive parent and the records relate to  
351 the social, medical, psychological or educational needs of the child or  
352 youth, provided no information identifying a biological parent will be  
353 disclosed without the permission of such biological parent;

354 (13) The Governor, when requested in writing, in the course of the  
355 Governor's official functions or the Legislative Program Review and  
356 Investigations Committee, the joint standing committees of the General  
357 Assembly having cognizance of matters relating to human services and  
358 the judiciary and the select committee of the General Assembly having  
359 cognizance of matters relating to children, when requested in writing  
360 in the course of such committees' official functions, and upon a  
361 majority vote of said committees, provided no names or other

362 identifying information shall be disclosed unless it is essential to the  
363 gubernatorial or legislative purpose;

364 (14) The Department of Public Health for the purpose of (A)  
365 determining the suitability of a person to care for children in a facility  
366 licensed pursuant to section 19a-77, 19a-80 or 19a-87b, or (B)  
367 determining suitability of such person for licensure;

368 (15) The Department of Social Services for purposes of (A)  
369 determining the suitability of a person for any payment from the  
370 Department of Social Services for providing child care, or (B)  
371 promoting the health, safety and welfare of the child or youth;

372 (16) Any state agency which licenses or certifies a person to educate  
373 or care for children or youth;

374 (17) Any individual, including a physician, authorized pursuant to  
375 section 17a-101f to place a child or youth in protective custody if such  
376 individual has before him or her a child or youth whom the individual  
377 reasonably suspects may be a victim of abuse or neglect and such  
378 individual requires the information in a record in order to determine  
379 whether to place the child or youth in protective custody;

380 (18) An individual who reports child abuse pursuant to sections  
381 17a-101a to 17a-101c, inclusive, and section 17a-103, who made a report  
382 of abuse involving the subject child or youth, provided the information  
383 disclosed is limited to (A) the status of the investigation, and (B) in  
384 general terms, any action taken by the department;

385 (19) Any employee of the Board of Pardons and Paroles, the  
386 Department of Correction or the Judicial Department for the purpose  
387 of assessing treatment needs and determining terms or conditions of  
388 pretrial release, pretrial or post-disposition detention or incarceration,  
389 probation or parole;

390 (20) A judge of the Superior Court or Probate Court and all  
391 necessary parties in a custody proceeding where such records concern

392 the child or youth who is the subject of the proceeding or the parent of  
393 such child or youth;

394 (21) A judge of the Superior Court for purposes of determining the  
395 appropriate disposition of a child convicted as delinquent or a child  
396 who is a member of a family with service needs; or a judge of the  
397 Superior Court in a criminal prosecution for purposes of in camera  
398 inspection whenever (A) the court has ordered that the record be  
399 provided to the court, or (B) a party to the proceeding has issued a  
400 subpoena for the record;

401 (22) Individuals or public or private agencies engaged in medical,  
402 psychological or psychiatric diagnosis, or treatment of a person who  
403 has perpetrated abuse or neglect or who is unwilling or unable to  
404 protect the child or youth from abuse or neglect when the  
405 commissioner, or the commissioner's designee, determines that the  
406 disclosure is needed to accomplish the objectives of diagnosis or  
407 treatment;

408 (23) Any court or public agency in another state, or a federally  
409 recognized Indian tribe which is responsible for investigating or  
410 protecting against child abuse or neglect or providing services to  
411 families at risk of abuse or neglect, for the purpose of investigating or  
412 protecting against abuse or neglect or providing services to such  
413 family;

414 (24) An individual conducting bona fide research, provided no  
415 information identifying the subjects of records shall be disclosed  
416 unless (A) such information is essential to the purpose of the research;  
417 and (B) the department has given written approval;

418 (25) The Auditors of Public Accounts or their representative,  
419 provided no information identifying the subjects of the records shall be  
420 disclosed unless such information is essential to an audit conducted  
421 pursuant to section 2-90;

422     (26) Individuals or agencies involved in the collection of fees for  
423     services, provided such information is limited to the name, address  
424     and fees for services, except as provided in section 17b-225. In cases  
425     where a dispute arises over such fees or claims or where additional  
426     information is needed to substantiate the fee or claim, such disclosure  
427     of further information shall be limited to the following: (A) That the  
428     person was in fact provided services by the department; (B) dates and  
429     duration of service; and (C) a general description of the service, which  
430     shall include evidence that a service or treatment plan exists and has  
431     been carried out and evidence to substantiate the necessity for  
432     admission and length of stay in any institution or facility; and

433     (27) A local or regional board of education, provided the records are  
434     limited to educational records created or obtained by the state or  
435     Connecticut-Unified School District #2, established pursuant to section  
436     17a-37.

437     (h) The department, subject to subsection (c) of this section, may  
438     disclose records without the consent of the person who is the subject of  
439     the record, to:

440     (1) A law enforcement officer or state's attorney if there is  
441     reasonable cause to believe that a child or youth is being abused or  
442     neglected, or at risk of being abused or neglected as result of any  
443     suspected criminal activity by any person;

444     (2) Any individual interviewed as part of an investigation  
445     conducted pursuant to section 17a-101g, who is not otherwise entitled  
446     to such information provided such information shall be limited to: (A)  
447     The general nature of the allegations contained in the reports; (B) the  
448     identity of the child or youth alleged to have been abused or neglected;  
449     (C) the identity of the alleged perpetrator; and (D) information  
450     necessary to further the course of the investigation;

451     (3) School employees who (A) are mental health professionals, as  
452     defined in section 10-76t, or (B) have direct responsibility for

453 implementing the educational program of the child or youth receiving  
454 services from the department, provided such disclosure is limited to  
455 information reasonably necessary to provide educational services to  
456 the child or youth;

457 (4) Any person, when information concerning an incident of abuse  
458 or neglect has been made public or the commissioner reasonably  
459 believes publication of such information is likely, provided such  
460 disclosure is limited to: (A) Whether the department has received a  
461 report in accordance with sections 17a-101a to 17a-101c, inclusive, or  
462 section 17a-103; (B) in general terms, any action taken by the  
463 department, provided names or other individually identifiable  
464 information of the minor victim or other family members shall not be  
465 disclosed, regardless of whether such individually identifiable  
466 information is otherwise available; (C) confirmation or denial of the  
467 accuracy of information that has been made public; and (D) in general  
468 terms, the current legal status of the case;

469 (5) Any individual for the purposes of locating a missing parent,  
470 child or youth, provided such disclosure is limited to information that  
471 assists in locating such missing parent, child or youth;

472 (6) Any person, when the information or findings concern an  
473 incident of abuse or neglect which resulted in a child or youth fatality  
474 or near fatality of a child or youth, and provided disclosure of such  
475 information or findings is in general terms and does not jeopardize a  
476 pending investigation;

477 (7) A court of competent jurisdiction whenever an employee of the  
478 department is subpoenaed and ordered to testify about such records;  
479 and

480 (8) Individuals not employed by the department who arrange,  
481 perform or assist in performing functions or activities on behalf of the  
482 department, including, but not limited to, data analysis, processing or  
483 administration, utilization reviews, quality assurance, practice



484 management, consultation, data aggregation and accreditation  
485 services.

486 (i) Notwithstanding the provisions of subsections (e) to (h),  
487 inclusive, of this section, the department may refuse to disclose records  
488 to any person provided the department gives such person notice (1)  
489 that records are being withheld, (2) of the general nature of the records  
490 being withheld, (3) of the department's reason for refusing to disclose  
491 the records, and (4) of the person's right to judicial relief.

492 (j) Any person or the person's authorized representative (1)  
493 aggrieved by a violation of subsections (b), (d), (f) to (h), inclusive, or  
494 (l) of this section may seek judicial relief in the manner prescribed in  
495 section 52-146j, or (2) denied access to records by the department  
496 under subsection (i) of this section, may petition the superior court for  
497 juvenile matters for the venue district provided in section 46b-142 in  
498 which the person resides, for an order requiring the commissioner to  
499 permit access to those records, and the court, after hearing, and an in  
500 camera review of the records in question, shall issue such order unless  
501 it determines that to permit such disclosure of all or any portion of the  
502 record (A) would be contrary to the best interests of the person, the  
503 person's authorized representative or the person who is the subject of  
504 the record, (B) could reasonably result in the risk of harm to any  
505 person, or (C) would contravene the public policy of the state.

506 (k) A party to a civil proceeding may petition the superior court for  
507 juvenile matters for the venue district provided in section 46b-142 in  
508 which the person resides for an order authorizing disclosure of the  
509 record of another party to the civil proceeding, provided the court,  
510 after in camera inspection, finds the records are material and relevant  
511 to those proceedings and that good cause exists to disclose said  
512 records. Good cause may include, but is not limited to, the following:  
513 The party seeking the record has no other available means of obtaining  
514 the information sought.

515 (l) All written records disclosed to another individual or agency

516 shall bear a stamp requiring confidentiality in accordance with the  
517 provisions of this section. Such material shall not be disclosed to  
518 anyone without written consent of the person or as provided by this  
519 section. A copy of the consent form specifying to whom and for what  
520 specific use the record is disclosed or a statement setting forth any  
521 other statutory authorization for disclosure and the limitations  
522 imposed thereon shall accompany such record. In cases where the  
523 disclosure is made orally, the individual disclosing the information  
524 shall inform the recipient that such information is governed by the  
525 provisions of this section.

526 (m) When any person, attorney or authorized representative, having  
527 obtained access to any record, believes there are factually inaccurate  
528 entries or materials contained therein, such person shall have the  
529 unqualified right to add a statement to the record setting forth what  
530 such person believes to be an accurate statement of those facts, and  
531 said statement shall become a permanent part of said record.

532 Sec. 2. Subsection (b) of section 46b-124 of the general statutes is  
533 repealed and the following is substituted in lieu thereof (*Effective*  
534 *October 1, 2005*):

535 (b) All records of cases of juvenile matters, as provided in section  
536 46b-121, except delinquency proceedings, or any part thereof, and all  
537 records of appeals from probate brought to the superior court for  
538 juvenile matters pursuant to subsection (b) of section 45a-186, shall be  
539 confidential and for the use of the court in juvenile matters, and open  
540 to inspection or disclosure to any third party, including bona fide  
541 researchers commissioned by a state agency, only upon order of the  
542 Superior Court, except that (1) the records concerning any matter  
543 transferred from a court of probate pursuant to section 45a-623 or  
544 subsection (g) of section 45a-715 or any appeal from probate to the  
545 superior court for juvenile matters pursuant to subsection (b) of section  
546 45a-186 shall be available to the court of probate from which such  
547 matter was transferred or from which such appeal was taken, (2) such

548 records shall be available to (A) the attorney representing the child or  
 549 youth, including the Division of Public Defender Services, in any  
 550 proceeding in which such records are relevant, (B) the parents or  
 551 guardian of the child or youth until such time as the child or youth  
 552 reaches the age of majority or becomes emancipated, (C) an adult  
 553 adopted person in accordance with the provisions of sections 45a-736,  
 554 45a-737 and 45a-743 to 45a-757, inclusive, (D) employees of the  
 555 Division of Criminal Justice who in the performance of their duties  
 556 require access to such records, (E) employees of the judicial branch  
 557 who in the performance of their duties require access to such records,  
 558 (F) another court under the provisions of subsection (d) of section 46b-  
 559 115j, (G) the subject of the record, upon submission of satisfactory  
 560 proof of the subject's identity, pursuant to guidelines prescribed by the  
 561 Office of the Chief Court Administrator, provided the subject has  
 562 reached the age of majority or has been emancipated, and (H) the  
 563 Department of Children and Families. Any records of cases of juvenile  
 564 matters, or any part thereof, provided to any persons, governmental  
 565 and private agencies, and institutions pursuant to this section shall not  
 566 be disclosed, directly or indirectly, to any third party not specified in  
 567 subsection (d) of this section, except: [as] (i) As provided by court  
 568 order, [or] (ii) in the report required under section 54-76d or 54-91a,  
 569 (iii) by a party to a juvenile matter, provided such disclosure is limited  
 570 to disclosure of a court order and the disclosure is reasonably related  
 571 to enforcement of such order, and (iv) by a party to a juvenile matter to  
 572 a provider of professional services for a child, youth or parent referred  
 573 to the provider, provided such disclosure is limited to information  
 574 necessary to provide services to the child, youth or parent.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2005</i>	17a-28
Sec. 2	<i>October 1, 2005</i>	46b-124(b)

***Statement of Purpose:***

To revise and update laws relating to the confidentiality of, and access to, records maintained by the Department of Children and Families.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*